REMARKS

Summary of Office Action

Prior to this Reply, claims 1-2 and 4-49 were pending in the above-identified patent application. Claims 13-17 and claims 21-49 were withdrawn from consideration. (Applicants respectfully note that the Office Action Summary attached to the October 13, 2004 Office Action identified claims 1-49 (including claim 3) as pending. Applicants respectfully request that corrected claim disposition information be included in the next Office Action.)

Claims 1 was objected to because of alleged informalities.

Claims 1-2, 4-12 and 18-20 were rejected under 35 U.S.C. § 102(b) as being anticipated by Lesh et al. U.S. Patent No. 6,152,144 (hereinafter "Lesh").

Applicants' Reply To the Claim Objections

Applicants have amended claim 1 to conform to the Examiner's requirements and respectfully submit that the objections have been overcome. The amendments include no new matter.

Applicants' Reply to the
Rejections of Claims 1-2 and 4-12

The Examiner rejected claims 1-2 and 4-12 as being anticipated by Lesh. (Applicants respectfully note, as stated above, that claim 3 was canceled in a previous Reply.) Claims 2 and 4-12 depend, either directly or indirectly, from claim 1.

The Examiner alleged that Lesh "structure 65 has an exit [at the distal end of element 72] that can be partially closed or can be considered as a second closed end..." October 13, 2004 Office action at p. 3, ln. 4.

Applicants respectfully assert that the Lesh exit was not designed to be a second closed end, that no person looking at the Lesh exit would understand that the exit was to be used as a second closed end, that the Lesh exit is not shown by Lesh or any other to have been really used and operated as a second closed end, and that, for at least these reasons, Lesh does not anticipate claims 1-2 or 4-12. See *Clough v. Gilbert & Barker Mfg.*, 106 U.S. 166, 196 (1882).

Applicants respectfully assert further that Lesh does not anticipate claim 1 because (1) the Lesh exit is in fact an open end—as the term "exit" implies—and not a closed end; (2) only the proximal portion of element 72 is closed and (3) as set forth previously by applicants, the closed

proximal end does not include a filter as required by applicants' claims. Applicants respectfully submit that, for at least these reasons, claims 1-2 and 4-12 are patentable over Lesh.

Applicants' Reply to the
Rejections of Claims 18-20

The Examiner rejected claims 18-20 as being anticipated by Lesh. Claims 19 and 20 depend directly from claim 18. The Examiner alleged that Lesh shows a filter element (61,63) disposed on membrane tube 72. Office action at p. 3, ln. 22-p. 4, ln. 1.

Applicants respectfully submit that although Lesh elements 61 and 63 may be attached to Lesh outer rim 71 and that Lesh outer rim 71 may be attached, in turn, to membrane tube 72 (as shown in Lesh FIG. 7), Lesh does not fulfill the claim 18 (ln. 7-13) requirement of "an elastic membrane attached to [the] filter element...wherein [the] filter element is disposed on [the] membrane."

Applicants respectfully submit further, as applicants have set forth previously, that Lesh does not show or suggest a filter element, as required by claims 18-20. Applicants respectfully submit, therefore, that for at least the foregoing reasons claims 18-20 are patentable over Lesh.

Conclusion

For at least the reasons set forth above, applicants respectfully submit that claims 1-2, 4-12 and 18-19 are patentable and that this application is in condition for allowance. Reconsideration and prompt allowance of this application are respectfully requested.

Respectfully submitted,

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